

ADULT FOSTER CARE LICENSING ADVISORY COUNCIL MEETING MINUTES

November 19, 2008

MEMBERS PRESENT

Lacey Charboneau, Andrew Farmer, Cynthia Farrell, Ellen Sugrue-Hyman, Linda Lawther, Kathleen Murphy, Brian Sabourin, Lauren Swanson

MEMBERS ABSENT

Phillip Lancaster
Paul McClain

ABSENT MEMBERS REPRESENTED

David Herbel, (Proxy to Kathleen Murphy)

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

Deborah Wood, Division Director,
Tom McWhorter, Program Specialist
Marva Chambers, Secretary

VISITORS

Allen Adams, DHS - Office of Adult Services
DeAnna Mitchell, Michigan Association of Homes and Services to the Aging

Linda Lawther, Vice Chairperson called the meeting to order. Roll call showed a quorum was present.

Approval of Agenda

Lauren Swanson requested that an additional agenda item be added, "Council Goals for 2009" under "Other." Andy Farmer made a motion to approve the agenda with the addition. Kathleen Murphy seconded the motion. Motion passed.

Approval of Minutes – August 20, 2008 meeting

Kathleen made a motion to approve the minutes as written. Lauren seconded the motion. Minutes were approved as written.

Bureau of Fire Services AFC Rule Committee Update – Lacey Charboneau

Lacey presented her understanding of the Bureau of Fire Service's proposed rule change regarding sprinkler requirements. All existing facilities will be given a 6-year grace period. If there is no change in the license, the licensee could possibly never be required to have a sprinkler system. If the licensee changed within the 6-year grace period, the sprinkler system would not be required.

Lacey gave an update of the Council's Public Policy for Fire Services subcommittee. The subcommittee has not come to a consensus on the wording for the letter being prepared to send to the Bureau of Fire Services regarding the Council's concern of the proposed rule changes.

After discussion, the Council agreed the wording of the proposed rules is unclear and it would be helpful to meet with Tony Sanfillipo and Norm Grant to seek clarification of the proposed rules and to present the Council's concerns and viewpoint regarding the fire safety rule changes.

Lauren made a motion for the AFC Licensing Advisory Council to send representatives to meet with Tony Sanfillipo and Norm Grant to discuss the BFS Fire Safety Rules process including:

- Time line for completing the draft AFC Fire Safety rules including time frame to public hearing and submission to SOAHR
- Clear language provided for the proposed sprinkler rules and their intent
- Fire safety concerns related to congregate facilities, (Section 6 of current rules).

Kathleen seconded the motion. All were in favor, none opposed. Motion passed.

Marva Chambers will contact Mr. Sanfillipo's secretary to arrange a meeting between Tony Sanfillipo and Norm Grant, with Lacey, Lauren, Kathleen and Linda representing the Council, and Deborah.

OTHER

Meeting Dates - Council meetings will be held at 9:30 a.m. at 7109 W. Saginaw on the following dates:

Wednesday, February 25, 2009
Wednesday, May 27, 2009
Wednesday, August 26, 2009
Thursday, November 19, 2009

COUNCIL GOALS FOR 2009 - After discussion, the Council agreed on the following goals for 2009:

1. Support funding for BCAL positions
2. Support MI Choice Waiver in licensed settings
3. Review and provide input on draft Adult Foster Care Family Home Rule Technical Assistance Handbook (Deborah's goal is to send an electronic copy of the draft to the Council prior to the February meeting).

The above goals will be discussed further at the February meeting and subcommittees formed.

5 Minute Break

Linda Lawther called the meeting back to order after a short break.

Term Expirations - The following members' terms expire 12/31/08: Andrew Farmer, Cynthia Farrell, Dave Herbel and Linda Lawther. Dave was not present but Andy, Cynthia and Linda expressed an interest in reappointment to the Council.

Deborah advised that the statute says the Council shall consist of 11 members appointed by the director to include an adult foster care licensee and resident or their representatives. This has not been done for licensees because in essence the participation of the trade associations on the Council represents licensees. When she makes a recommendation for members, she looks for balance on the Council.

Lauren suggested consultants and licensees be invited to be on subcommittees and attend meetings.

Division/Bureau Updates - Deborah Wood

Staffing Issues – Deborah reported that the DHS final budget approved 9 new positions for BCAL in the 2009 budget that were divided between the Divisions. AFC received 4 of the positions; 2 background check analysts, currently funded by DCH and previously by federal grant, 1 AFC consultant at the Detroit office and 1 AFC consultant at the Flint office. The consultant positions have been posted.

Focused Onsite Renewal Inspection Update - Results of the completed questionnaires received since the last meeting were distributed. Responses from the licensees regarding the Focused Onsite Renewal Inspection continue to be positive. 11 focused onsite renewals were conducted between August 2008 and October 2008.

Deborah said a higher number of facilities qualify to have focused onsite renewal inspections but choose not to participate. Staff and licensees who have participated in a FORI express satisfaction with the process.

Linda asked if any HFA's completed a FORI. She knows of 2 facilities with zero citations and would like to participate in a focused onsite renewal inspection versus a standard inspection. Deborah asked Linda to forward the names of those facilities to her, as Deborah was not aware of any FORI's that had been completed on HFA's.

NOTE: Deborah has since found out from Betsy Montgomery that 2 HFA's had FORI's in August.

A copy of statistics showing the rules most often cited by county for the period of 12/07 through 10/08 was provided to the Council for review, as was requested at the August Council meeting. The Council requested the information be emailed to them and to have a total count of the number of times each rule was cited at the next Council meeting.

Notice of Finding Update - Deborah provided a copy of the list of rules cited as NOF's for the period of 10-07 thru 10-08, as previously requested by the Council. The Council requested Marva to send the statistics to them electronically for review.

Background Check Update – Deborah directed review of the background check statistics which revealed 107,809 AFC and HFA facility employees entered on the Long-Term Care Background Check System as of 11/17/08, of which 3,465 were excluded from employment due to registry hits. 930 people that were fingerprinted and had criminal records were excluded from employment by the AFC/HFA background check analysts.

Lauren added that it could be concluded that the background checks have had a positive outcome and have kept people with criminal backgrounds out of the system.

Division Statistics - Deborah provided the Division Activity Report and Special Investigation Performance Activity statistics for 8/1/08- 10/31/08 to the Council for their review and comparison to information provided at previous meetings. Deborah said activity remains stable, with an up and down that stays within range. However, as the Division continues to focus more on the timely completion of special investigations, the more licenses that will expire prior to renewal.

Lauren pointed out that this is where the Council can help BCAL by feeding these statistics to the Legislature and the public, giving a picture of the need for additional staff.

Deborah said the delay in issuing new licenses also has a negative economic impact on communities, as well as fewer available placements for residents.

License Issuance Summary Comparison

Deborah said statute requires issuance of an initial or renewal license not later than 180 days after receipt of a complete application, or else the license fee is required to be refunded and the renewal fee reduced. A report is sent to the legislature annually, as is required by statute. Deborah provided a license

issuance comparison of licenses issued within 180 days/over 180 days, for the last 4 years.

Enforcement Issues – The Notice of Intent Log for August through October 2008 was provided to the Council to keep them updated on the type of rule violations causing actions to be taken by the Division. Deborah said most of the rule violations resulting in disciplinary action are related to protection and/or medication rule violations.

Deborah explained that a NOI is a notice sent to the licensee alleging violation of the Adult Foster Care Facility Licensing Administrative Rules that advise licensees of their rights.

Special Investigation

Deborah provided special investigation statistics for September 1, 2007 through October 31, 2008 to the Council for their review. This report is provided at each meeting, as requested by the Council and is self explanatory.

LEGISLATIVE ISSUES – Tom McWhorter gave a brief summary of bills that the Bureau of Children and Adult Licensing is following:

HB 6626, 6627, 6628, SB 1578, 1579 and 1580 would add “a moving violation causing death” as a 5 year exclusion.

SB 1163 that would change the definition of AFC to not include “A private residence that provides foster care services to not more than 1 adult who receives Medicaid that does not also provide room and board services to any other individuals in the home.”

SB 1546 would apply similar criminal background check exclusions to licensees, as now applies to direct care staff.

Deborah also briefly mentioned HB 4841 regarding AFC application fee increases but indicated that it was unlikely to be pursued given it doesn't have support of either party.

ADJOURNMENT - Lauren moved to adjourn the meeting, Lacey seconded. The meeting was adjourned by Vice Chair Linda Lawther.

NEXT MEETING: Wednesday, February 25, 2009, 9:30 a.m, 7109 W. Saginaw. If you are unable to attend, please call Marva Chambers at 517-241-1150.